

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 31 MAR 2004



WIPO PCT

Applicant's or agent's file reference 115768 PLUG8 TV	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NO 03/0203	International filing date (day/month/year) 19.06.2003	Priority date (day/month/year) 26.06.2002
International Patent Classification (IPC) or both national classification and IPC F16L55/128		
Applicant PLUGGING SPECIALISTS INTERNATIONAL ASA et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 22.01.2004	Date of completion of this report 30.03.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Gonzalez Davila, J-C Telephone No. +49 89 2399-2767 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO 03/00203

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 as published

Claims, Numbers

1-4 as published

Drawings, Sheets

1/2, 2/2 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NO 03/00203**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-3,4
	No: Claims	
Inventive step (IS)	Yes: Claims	1-3,4
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-3,4
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO 03/00203

see separate sheet

Re Item IV**Lack of unity of invention**

The application lacks unity within the meaning of Rule 13 PCT for the following reasons:

1. Claims 1 to 3 refer to a sealing plug comprising hydraulic cylinders, fastening devices and sealing surfaces, wherein the piston rod of the hydraulic cylinder is through-going.
2. Claim 4 refers to a method of fastening a plug having hydraulic cylinders, fastening devices and sealing surfaces, comprising fastening a main section first by the hydraulic cylinder moving a second end plate of the main section, and moving a first end plate towards a gasket, so that the gasket and the first end plate seal the pipe.
3. The common concept linking together the independent claims 1 and 4 is the plug comprising hydraulic cylinders, fastening devices and sealing surfaces. This common concept is not novel, see document US-A-4465 104.
4. Thus, not any special technical feature which define a contribution over the prior art of claim 1 is present in claim 4, so that the technical relationship between the subject-matter of claims 1 and 4 required by Rule 13 (1),(2) is lacking, and the requirement for unity of invention referred to in Article 13 PCT is not fulfilled.

Re Item V**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. None of the prior art documents contained in the search report reveals a sealing plug comprising the features of claim 1, wherein the piston rod of the hydraulic cylinder is through-going.
2. The above features are neither known from, nor rendered obvious in

respect of prior art so that claim 1 therefore meets the requirements of Articles 33(2) and 33(3) PCT.

3. Claims 2 and 3 contain advantageous modifications of the inventive idea embodied in claim 1 and also meet the requirements of Articles 33(2) and 33(3) PCT.
4. None of the prior art documents contained in the search report reveals a method of fastening a plug according to claim 4, comprising fastening a main section first by the hydraulic cylinder moving a second end plate of the main section, and moving a first end plate towards a gasket, so that the gasket and the first end plate seal the pipe.
5. The above features are neither known from, nor rendered obvious in respect of prior art so that claim 4 therefore meets the requirements of Articles 33(2) and 33(3) PCT.

Additional Observations

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document US-A-4465 104 has not been mentioned in the description, nor has been this document identified therein.